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Attorneys for UNITED STATES OF AMERICA,
acting on behalf of its Agency U.S. SMALL BUSINESS ADMINISTRATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Civil No: CV11 2588 HRL
)	
Plaintiff,)	CMC Statement of USA
)	
v.)	Date: August 23, 2011
)	Time: 1:30 PM
)	Ctrm: 2, 5 th Floor
Arlene Stevens)	280 South 1st St.
)	San Jose, CA 95113
Defendant.)	
)	Hon. Magistrate Judge
)	Howard R. Lloyd

CASE MANAGEMENT CONFERENCE STATEMENT

Plaintiff, the United States of America (“USA”), on behalf of the U.S. Small Business Administration (“SBA”) submits this Case Management Statement and Proposed Order and request the Court adopt it as its Case Management Order in this case.

Description of the Case

CV11 2588 HRL- CASE MANAGEMENT CONFERENCE STATEMENT

1 1. Overview: This is a debt collection case. After foreclosure of the real estate collateral
2 by a third party, SBA is owed by defendant(s) over \$1.5 million dollars.

3 2. Jurisdiction: This court has jurisdiction pursuant to 28 U.S.C. §1345 and 15
4 U.S.C§634(b)(1).
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6 3. Current Status: Service of the Summons and Complaint was effective on July 21,
7 2011 immediately outside the San Jose bankruptcy hearing on dismissal of the debtor case of
8 TV-32 Digital Ventures, Case no. 09-58098 ASW. Arlene Stevens was personally served at that
9 time. More details will forthcoming in the return of the Summons and Proof of Service. It will
10 include a declaration on due diligence efforts to serve defendant via mail at her designated post
11 office mailbox on June 1, 2011, through her civil attorney David Hamerslough on the state court
12 case via email on June 10, 2011, through contracted process server Quest Discovery Services
13 from approximately June through July 2011, by government counsel Edwin Joe on July 21,
14 2011, and again on July 21, 2011 by a disinterested witness and attorney Hugo N. Gerstl before
15 the bankruptcy matter in open court.
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17 4. The twenty one (21) days to answer the complaint by defendant expired on or after
18 Friday, August 12, 2011. Plaintiff has received no communication from defendant since July 21,
19 2011 to seek additional time to answer. According to her civil attorney in the related state court
20 case, she does not respond to inquiries to her about this debt collection case (or the state court
21 action between Stevens and Wade.) Today, on August 16, 2011, I sent a follow up email to her
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1 state court civil attorney David Hamerslough to confirm whether he has had any further contact
2 with his client and to inform him of the time expiring to answer the complaint by defendant.¹

3 5. USA Request for Six Month Continued Status Conference Date: Plaintiff requests
4 the status conference be continued for six months. During that period, plaintiff will seek a
5 default and summary judgment.
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7 6. Consent to the Magistrate Judge For All Purposes. Plaintiff does consent to the
8 Magistrate Judge, but it is unknown, should defendant file an answer, if she will consent.

9 Plaintiff will file its consent concurrently with the Case Management Statement.

10 7. Therefore, the USA suggests continuing the August 23, 2011 Case Management
11 Conference until at least March 6, 2012. A Joint² Case Management Statement is to be filed
12 within seven days prior to the hearing date on or before February 28, 2012.
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16 Dated: August 16, 2011

/s/ Edwin L. Joe
Edwin L. Joe
Special Assistant United States Attorney

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20 CASE MANAGEMENT ORDER
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25 ¹ He has not confirmed or denied if he is representing her via his retainer agreement. According to court
26 documents, the state court case has over \$600,000 cash in a block account under dispute between Arlene Stevens,
27 Booker Wade, and various prior or present attorneys of Arlene Stevens.
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1 This Case Management Statement and Proposed Order are hereby adopted by the Court
2 as the Case Management Order for the case and the parties are ordered to comply with this
3 Order. In addition the Court orders:
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6 1. The Case Management Conference for August 23, 2011 at 1:30 pm is hereby continued
7 to March 6, 2012. A joint case management statement³ is to be filed on or before February 28,
8 2012, one week before the hearing date.
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10 Dated: _____

HONORABLE HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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24 _____
25 ³ If defendants are not represented by counsel (or authorized representative) in the federal case or
26 this matter is otherwise resolved, then the USA can file the Case Management Statement
27 separately.
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PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is United States Small Business Administration, 455 Market Street, 6th Floor, San Francisco, CA 94105-2420. I am readily familiar with the business practices of this office for collection and processing of correspondence by mailing with the United States Postal Service.


On August 16, 2011, I served the within:

**CASE MANAGEMENT CONFERENCE STATEMENT (WITH PROPOSED) ORDER, &
CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

on the parties addressed as shown below in said cause by placing a true and correct copy thereof in sealed envelopes for collection and mailing pursuant to the ordinary business practice of this office whereby correspondence for mailing is collected, postage is pre-paid and depositing with the United States Postal Service on the same day at San Francisco, California.

Arlene D. Stevens
P.O. Box 51310
Palo Alto, CA 94303

I declare under penalty of perjury under Federal law and laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 16, 2011, at San Francisco, California.


Michele De Vito
Secretary